

# Civility in Local Government

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## The Issues

Ineffective Government  
Public Relations  
Cost



Are you able to conduct the business of the county  
in the best interests of constituents?



Can you interact with the public professionally?



Can you arrive at sound policy decisions?



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Do officials support the policies of the majority?





Can staff implement policy or are there too many  
“mixed signals”



## Public Relations



## How does the Public View the County?

- Professional?
- Priorities Identified?
- Self Interests and Special Interests?
- Ethical?



## Newspaper headlines!!

- *FBI subpoenas Clackamas River Water documents for federal grand jury investigation*
- *Over the line behavior at Clackamas River Water begs for intercession by county commission*
- *Union presses entire Clackamas River Water board to resign*
- *Two Clackamas River Water board members to resign at end of Oct.; county urges rest of board to follow suit*
- *Clackamas River Water employee files complaint, tort claim notice against two commissioners*
- *Renegade Clackamas water district board members stage takeover*
- *Troubled water district loses insurance*
- *Clackamas River Water general manager seeks temporary restraining order against water district board members*
- *Ex-Clackamas water commissioner seeks \$20 million in free speech claim against colleagues*

## Media quotes!

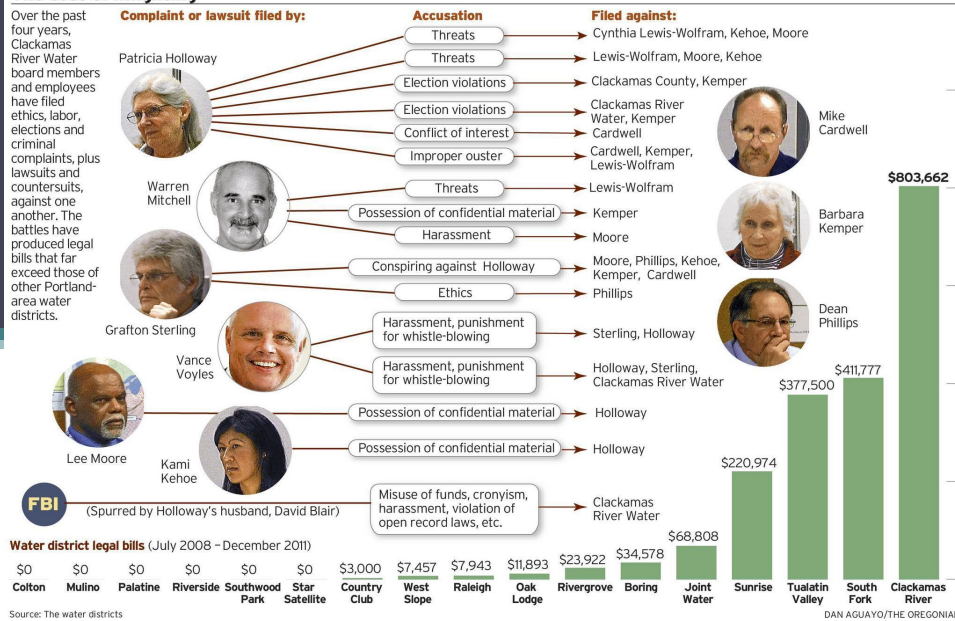
“I've never seen it where something is so dysfunctional,” said Frank Stratton.

“The Special Districts Association of Oregon will renew Clackamas River Water's property and liability coverage in January if the whole board resigns,” said Executive Director Frank Stratton.

“We have a ‘fiduciary responsibility’ to protect other members from costs and liability generated by the Clackamas County water district's contentious and dysfunctional board.”

### The cost of infighting

Over the past four years, Clackamas River Water board members and employees have filed ethics, labor, elections and criminal complaints, plus lawsuits and countersuits, against one another. The battles have produced legal bills that far exceed those of other Portland-area water districts.



Water district legal bills (July 2008 - December 2011)

\$0	\$0	\$0	\$0	\$0	\$0	\$3,000	\$7,457	\$7,943	\$11,893	\$23,922	\$34,578	\$68,808	\$220,974	\$377,500	\$411,777	\$803,662
Colton	Mulino	Palatine	Riverside	Southwood Park	Star Satellite	Country Club	West Slope	Raleigh	Oak Lodge	Rivergrove	Boring	Joint Water	Sunrise	Tualatin Valley	South Fork	Clackamas River

Source: The water districts

## Risk Management Considerations



"We're all on the same page. We're just all reading different books."

## What to do?

- ✗ Assist with mediation (failed)
- ✗ Assist with interim management (failed)
- ✗ Assist with legal and consulting advice (failed)
- ✗ Drastically increased deductibles (failed)
- ✓ Threaten and then implement cancelation (worked)
- ✓ Require all board members resign to reinstate coverage (worked)

## Lessons learned

- Some dysfunctional boards aren't salvageable
  - Cancelation may be the only option
- Cancelation can lead to a larger public event than anticipated
  - Media coverage
    - Communicate with the media in writing when making on the record statements
    - Be honest, responsive and credible
    - Gain the media's trust as a reliable source for truthful information
    - Everything you say can and will be used against you
  - Community awareness and involvement
  - Ultimate change for the better
  - Litigation against the Pool



## Claims



## Coverage Considerations

- Insured vs. Insured Coverage Document language
  - Consider statutory limitations of officials suing officials
  - Language requiring assisting the Pool in defense of claims
- What capacity is the official being sued in
- When is an official an official and when are they an individual or candidate
- Language (particularly Public Officials Liability) for course and scope of duties
- Conflict of interest for defense counsel
- Can lead to need for multiple attorneys for each claim
- Conflicts of Pre-Loss Legal Services

## Policies & solutions



## Other considerations



## Questions?

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